

Notice of Allowability

Application No.

09/824,845

Applicant(s)

GOODWIN, JOHN C.

Examiner

F. Ryan Zeender

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communication received 2/17/2005.
2. ☒ The allowed claim(s) is/are 9-14.
3. ☒ The drawings filed on 04/02/01 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Paul W. Martin on 05/20/2005.

The application has been amended as follows:

Claims 1-8 have been cancelled.

In claim 14, line 12, "a computer for receiving" was changed to --an inventory management computer for receiving via an electronic price label computer--.

In claim 14, line 21, "and wherein the computer" was changed to --and wherein the inventory management computer--.

In claim 14, line 27, "receives third identification information" was changed to --receives via the electronic price label computer third identification information--.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

The best U.S. prior art, Brick et al. (US6,269,342) disclose an electronic pricing display system for the purposes of inventory control and updating pricing information, the system including electronic shelf tags for electronically displaying price information,

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product bar code readers to update product information by scanning bar codes on products or by scanning bar codes on the electronic shelf tags, point-of-sale terminals for determining the sale of products, and wireless sending of inventory information to a server.

Regarding independent claims 9 and 14, Brick et al. lack the specific teaching of product label interrogators in the electronic price tags/displays/labels. *Note: for the purposes of allowance of the claims, the term "interrogator" has been interpreted to mean: "a radio transmitter and receiver for sending out a signal that triggers a transponder and for receiving and displaying the reply" (Merriam-Webster's Collegiate Dictionary, Tenth Edition, 1998).* Specifically, with regards to the claims, the interrogator **sends** out a signal that **triggers** (emphasis added) a **reply** from the product label.

The elements lacking in the prior art are novel and unobvious when combined with the other limitations of each independent claim.

Regarding independent claims 13 and 14, Brick et al. lack control circuitry in the electronic displays for controlling reception of identification information from product labels by the interrogators. *Note: for the purposes of allowance of the claims, the term "interrogator" has been interpreted to mean: "a radio transmitter and receiver for sending out a signal that triggers a transponder and for receiving and displaying the reply" (Merriam-Webster's Collegiate Dictionary, Tenth Edition, 1998).* Specifically, with

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regards to the claims, the interrogator sends out a signal that triggers (emphasis added) a reply from the product label.

The elements lacking in the prior art are novel and unobvious when combined with the other limitations of each independent claim.

The best foreign prior art, Ashton (EP1049042A1), disclose an electronic pricing display system for the purposes of inventory management and updating pricing information, the system including electronic shelf tags for electronically displaying price information, a shelving system intended for reading radio frequency tags which may be attached to product, the shelves able to send and receive digital data to the tags via radio signals, the tags being able to be read by checkout systems for providing additional information, and a computer system for maintaining inventory data.

Regarding independent claim 9, Ashton lacks the specific teaching of product label interrogators in the electronic price tags/displays/labels and the use of an electronic price label system computer communicating with an inventory management computer. *Note: for the purposes of allowance of the claims, the term "interrogator" has been interpreted to mean: "a radio transmitter and receiver for sending out a signal that triggers a transponder and for receiving and displaying the reply" (Merriam-Webster's Collegiate Dictionary, Tenth Edition, 1998).* Specifically, with regards to the claims, the interrogator sends out a signal that triggers (emphasis added) a reply from the product label.

The elements lacking in the prior art are novel and unobvious when combined with the other limitations of the independent claim.

Regarding independent claim 13, Ashton lacks the specific teaching of the use of an electronic price label system computer communicating with an inventory management computer and further lacks control circuitry in the electronic displays for controlling reception of identification information from product labels by an interrogator. *Note: for the purposes of allowance of the claims, the term "interrogator" has been interpreted to mean: "a radio transmitter and receiver for sending out a signal that triggers a transponder and for receiving and displaying the reply" (Merriam-Webster's Collegiate Dictionary, Tenth Edition, 1998).* Specifically, with regards to the claims, the interrogator **sends** out a signal that **triggers** (emphasis added) a **reply** from the product label.

The elements lacking in the prior art are novel and unobvious when combined with the other limitations of the independent claim.

Regarding independent claim 14, Ashton lacks the specific teaching of product label interrogators in the electronic price tags/displays/labels and control circuitry in the electronic displays for controlling reception of identification information from product labels by the interrogators, and an electronic price label system computer communicating with an inventory management computer. *Note: for the purposes of allowance of the claims, the term "interrogator" has been interpreted to mean: "a radio*

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transmitter and receiver for sending out a signal that triggers a transponder and for receiving and displaying the reply" (Merriam-Webster's Collegiate Dictionary, Tenth Edition, 1998). Specifically, with regards to the claims, the interrogator **sends** out a signal that **triggers** (emphasis added) a **reply** from the product label.

The elements lacking in the prior art are novel and unobvious when combined with the other limitations of the independent claim.

The best non-patent literature, "NCR Wireless Price Management Solution Automates Shelf Pricing at K-VA-T Food City Store", PR Newswire, discloses an electronic pricing display system for the purposes of inventory control and updating pricing information, the system including electronic shelf tags for electronically displaying price information, means for updating product information, point-of-sale terminals for determining the sale of products, and sending inventory information to a computer.

Regarding independent claims 9 and 14, the PR Newswire article lacks the specific teaching of product label interrogators in the electronic price tags/displays/labels. *Note: for the purposes of allowance of the claims, the term "interrogator" has been interpreted to mean: "a radio transmitter and receiver for sending out a signal that triggers a transponder and for receiving and displaying the reply"* (Merriam-Webster's Collegiate Dictionary, Tenth Edition, 1998). Specifically, with regards to the claims, the interrogator **sends** out a signal that **triggers** (emphasis added) a **reply** from the product label.

The elements lacking in the prior art are novel and unobvious when combined with the other limitations of each independent claim.

Regarding independent claims 13 and 14, the PR Newswire article lacks control circuitry in the electronic displays for controlling reception of identification information from product labels by the interrogators. *Note: for the purposes of allowance of the claims, the term "interrogator" has been interpreted to mean: "a radio transmitter and receiver for sending out a signal that triggers a transponder and for receiving and displaying the reply" (Merriam-Webster's Collegiate Dictionary, Tenth Edition, 1998).* Specifically, with regards to the claims, the interrogator **sends** out a signal that **triggers** (emphasis added) a **reply** from the product label.

The elements lacking in the prior art are novel and unobvious when combined with the other limitations of each independent claim.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Ryan Zeender whose telephone number is (571) 272-6790. The examiner can normally be reached on Monday-Friday, 8am-5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

F. Zeender
Primary Examiner, A.U. 3627
Friday, May 20, 2005

 5/20/05
F. RYAN ZEENDER
PRIMARY EXAMINER